

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 2:05-cr-137-F
	)	
GEORGE DAVID SALUM, III	)	

**ORDER**

This cause is before the Court on the Government's Motion in Limine (Doc. # 45). This motion, which Defendant has opposed, seeks to exclude items from admission into evidence at the trial of this cause the following exhibits identified by Defendant in pretrial discovery:

- The copy of the Complaint of Raymond David DeJohn and Tammy DeJohn vs. Richard Moncus, CV 94-1596-PR.
- Letter to Richard Moncus from Robert Russell dated July 20, 1994.
- Letter to Robert Russell from Richard Moncus dated July 22, 1994.
- Transcript copy of the deposition of Raymond DeJohn dated September 22, 1999.
- The copy of the Complaint of Reginald Jones vs. Raymond DeJohn, CV1209-M.
- The copy of the First Amendment to Complaint of Reginald Jones vs. Raymond DeJohn, CV1209-M.
- Transcript copy of the deposition of Raymond DeJohn dated September 22,

1999.

- The copy of the Memorandum to Sgt. Shirley from Raymond DeJohn dated January 11, 1999 regarding the incident in Trenholm Court.
- The copy of the Final Summary of Corp. Anthony Burton dated April 29, 1994 regarding the incident involving Gary Frank Kelly.
- Copies of newspaper articles from the Montgomery Advertiser dated January 12, 1999, April 8, 1999, and July 21, 1999.
- The copy of the first page of the Supplemental Claim Form B filed by Reginald Jones on March 22, 1999 against the City of Montgomery, et al.
- A copy of the Law Enforcement Coordinating Committee Volume 2, Issue 1 edition.
- A copy of the Privacy Policy from the Department of Justice's Website at [www.usdoj.gov](http://www.usdoj.gov)
- A copy of the biography of counsel for the Defendant, Julian McPhillips

In addition to seeking to exclude these items, the Government asks this Court to reserve ruling on the admissibility of the copy of the Certificate of Understanding dated May 21, 2003, and executed by Jay King, from the Division File. Finally, the Government further moves *in limine* to exclude the introduction of evidence or argument suggesting jury nullification.

The Court has carefully considered the merits of the argument in support of and in opposition to the motion and finds that it is due to be GRANTED. Any evidence or argument

by Defendant suggesting to the jury that it can or should engage in jury nullification or disregard this Court's instructions and the oath taken by the jury is wholly improper and will not be allowed. The Court will reserve ruling on the admissibility the Certificate of Understanding dated May 21, 2003, and executed by Jay King, from the Division File. It will be admitted into evidence only if a proper predicate for its admission is perfected. With respect to the remaining items of evidence which the Government seeks to exclude, the Court finds that they are either irrelevant or that the limited relevance that the items have is outweighed by the unfair prejudice attendant to their admission into evidence. Accordingly, the motion in limine is **CONDITIONALLY GRANTED** with respect to the following items of evidence:

- The copy of the Complaint of Raymond David DeJohn and Tammy DeJohn vs. Richard Moncus, CV 94-1596-PR.
- Letter to Richard Moncus from Robert Russell dated July 20, 1994.
- Letter to Robert Russell from Richard Moncus dated July 22, 1994.
- Transcript copy of the deposition of Raymond DeJohn dated September 22, 1999.
- The copy of the Complaint of Reginald Jones vs. Raymond DeJohn, CV1209-M.
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- A copy of the biography of counsel for the Defendant, Julian McPhillips.

Counsel for Defendant is instructed that neither these items, nor their content shall be mentioned in opening statements. Moreover, these items shall not be admitted into evidence absent some future showing of a proper basis for their admission in this action.

As set forth above, the Government's Motion in Limine (Doc. # 45) is GRANTED.

DONE this the 3<sup>rd</sup> day of November, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE